



# राजपत्र, हिमाचल प्रदेश

## हिमाचल प्रदेश राज्य शासन द्वारा प्रकाशित

सोमवार, 05 फरवरी, 2024 / 16 माघ, 1945

हिमाचल प्रदेश सरकार

DEPARTMENT OF DIGITAL TECHNOLOGIES AND GOVERNANCE

NOTIFICATION

*Shimla, the 31st January, 2024*

**No. DIT-F/21/2021-(e-34214).**—The Government of Himachal Pradesh is pleased to notify Right of Way Policy, 2023 of Himachal Pradesh as per Annexure-A to regulate provisioning of

underground (optical fiber) and overground (mobile towers) infrastructure in the State by replacing existing Right of Way Policy, 2021 for setting up of Mobile Communication Towers in Himachal Pradesh notified *vide* Notification No. IT(F)1-1/2020 dated: 9-02-2021:

Sd/-

Secretary,  
(DT&G).

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## DEPARTMENT OF DIGITAL TECHNOLOGIES AND GOVERNANCE— Right of Way Policy

### CHAPTER – 1

#### OBJECTIVES

**Objective:** The objective of Right of Way Policy 2023 is to provide an enabling regulatory framework to facilitate provisioning of overground and underground telecom infrastructure network in the State of Himachal Pradesh. The policy also seeks to provide a transparent and efficient mechanism for promoting investment and setting up infrastructure in the telecom sector. Further, the policy aims to provide improved telecom services through wireless and optical fibre network throughout the towns and villages in Himachal Pradesh.

**Background:** The Telecom sector has witnessed phenomenal growth and mobile telephony in particular has revolutionized over the past decade. Getting better Telecom/High Speed Internet connectivity in Himachal Pradesh is imperative for the allround development of the state. Mobile Towers are integral to providing better connectivity whereas Underground/Overhead Optical Fibre Cable is equally required to connect these Towers with Cellular Network. The absence of the required infrastructure leads to the degradation of quality of services, slow internet speed and call drops. The formation of a Policy having guidelines shall ease the implementation of telecom infrastructure establishment in the State and make the process of application, approval and installation of the infrastructure across the State simpler. There is a need to reduce license and regulatory compliance requirements keeping in view best international practices by simplifying all existing technical systems and online systems applicable for grant of approvals, clearances, permissions. Government of Himachal Pradesh wants to promote Telecommunication Infrastructure so as to generate business opportunities and employment in the state.

In view of the aforementioned objective and background of the policy, the Government of Himachal Pradesh is pleased to notify the Right of Way Policy 2023 for setting up Telecom Infrastructure in the State to regulate underground infrastructure (optical fibre) as well as over-ground infrastructure (mobile towers) in supersession of this Department notification No. IT(F)1-1/2020 dated 9<sup>th</sup> February, 2021. The said Policy covers laying of Optical Fibre Cable and installation of Mobile Tower by any Licensees/infrastructure Providers operating in the state of Himachal Pradesh for facilitating better connectivity subject to the satisfaction of certain conditions detailed hereunder:

**1. Short Title and Commencement.**—This Policy may be called the Himachal Pradesh Right of Way Policy, 2023 (HPROW-23). This shall come into force on the date of its publication in the official Gazette. This Policy will superseed all previous Policies related to Right of way and Mobile Towers.

**2. Definitions.**—(i) In this Policy, unless the context otherwise requires—

(a) "Act" means the Indian Telegraph Act 1885 (13 of 1885).

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- (b) "Appropriate Authority" means the State Government, local authority or such authority, body, company or institution incorporated or established by the State Government, including the various Development authorities, Industrial development authorities, other Statutory Authorities, PWD, HPSEBL, Revenue, JSV, Urban Development, Rural Development and also the local bodies including Urban Local Bodies/ Town and Country Planning Department/ Special Area Development Authority, Gram Panchayats, Zila Parishad/Panchayat, Urban and Rural Local Bodies etc. constituted by the State Legislature, in respect of property, under, over, along, across, in or upon which underground or over-ground telegraph infrastructure, is to be established or maintained, vested in, or under, the control or management of such Appropriate Authority.
- (c) "State Government" means the Government of Himachal Pradesh.
- (d) District Nodal Officer (DNO) shall be the Deputy Commissioner of the concerned district, in respect of which, any application for seeking right of way for telecom infrastructure is being made.
- (e) "DoT" means the Department of Telecommunication, Government of India.
- (f) "TERM Cell" means Telecom Enforcement, Resource and Monitoring Cell of the Department of Telecommunication (DoT), Government of India which is competent agency to tender advise on Electro Magnetic Field (EMF) Radiation related matters of Telecom Infrastructure.
- (g) Licensee under this policy means any person holding a license issued under sub-section (1) of Section 4 of the Act or an Infrastructure Provider-1 registration issued by Department of Telecommunication.
- (h) "mobile tower" means any above-ground contrivance for carrying, suspending or supporting a telegraph and does not include pole;
- (i) "pole" means any above-ground contrivance of height not exceeding eight meters for carrying, suspending or supporting a telegraph and does not include mobile tower;
- (j) "small cell" means a low powered cellular radio access node that has a coverage of distance from ten meters to two kilometres.
- (k) "street furniture" means post or pole used for electricity, street light, traffic light, traffic sign, bus stop, tram stop, taxi stand, public lavatory, memorial, public sculpture, utility pole or any other structure or contrivance of such nature established over the property of an appropriate authority.
- (l) "Overground telegraph infrastructure" means a telegraph or a telegraph line established over the ground and includes posts or other above-ground contrivances, appliances and apparatus for the purpose of establishment or maintenance of the telegraph or the telegraph line. It also includes the pole, street furniture used for installation of small cells and telegraph line.
- (m) "underground telegraph infrastructure" means a telegraph line laid under the ground and includes manholes, marker stones, appliances and apparatus for the purposes of establishment or maintenance of the telegraph line.

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- (n) “Schedule” means a Schedule appended to this policy as Annexure-A regarding applicable Onetime Application Fee and Compensation/Rent for reference purposes.
- (ii) However, the Telegraph Infrastructure, for the purpose of this policy, shall not include Television Antennas or Dish Antennas installed for domestic purpose.
- (iii) Words and expressions used and not defined herein but defined in the Act shall have the meaning assigned to them in the Act.

**3. Applicability.**—The Appropriate Authority, on whom the powers of the telegraph authority have been conferred by notification under section 19B of the Act, shall exercise the powers under this policy on an application for establishment and maintenance of underground or overground telegraph infrastructure by any licensee subject to any conditions and restrictions as may be imposed in such notification. This Policy shall be applicable to all Appropriate Authorities within the state of Himachal Pradesh.

In case of National Highways, norms as per Policy Guidelines of accommodation of public and industrial utility services along and across National Highways circulated by Ministry of road transport & Highways No. RW/NH-33044/29/2015/S&R (R) dated 22-11-2016, as amended from time to time, shall also be applicable.

In case of forest land, the regulatory procedure as outlined in Forest (Conservation) Act, 1980 (FCA) and relevant notifications issued by the State Government shall also be applicable.

**4. Nodal officers.**—(i) The District Nodal Officer or the Deputy Commissioner (DC) of the district shall be the single contact person for according approvals and clearances. The designated nodal officer(s) of the appropriate authorities will be responsible for processing the approvals/clearances for their respective departments and shall report to the concerned DC, who will be single point of contact.

(ii) All applications will be received in the office of District Nodal Officer (DNO) of the concerned District through online portal

(iii) Every appropriate authority shall designate a “Nodal officer” for the purposes of this Policy. The Role of the nodal shall be, but not limited to, the following:

- Responsible for day to day activities & communication with the applicants.
  - Coordinate for timely approvals/NOCs with the District Nodal Officer.
  - Monitoring of the infrastructure being raised in authorities’ jurisdiction.
  - Follow up on issues / Grievances.
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## CHAPTER – 2

### TERMS AND CONDITIONS FOR ESTABLISHMENT AND MAINTENANCE OF TELEGRAPH INFRASTRUCTURE

**5. Terms and Conditions for granting permission to lay underground telegraph infrastructure (OFC).**—(i) The licensee shall obtain necessary permission for laying optical fiber

cable(OFC) network/underground telegraph infrastructure and taking fiber to home under roads and overhead from the nodal officer of the concerned appropriate authority through District Nodal Officer.

(ii) The work shall be started from the outer areas of the city and then to the core area.

(iii) Damages of the roads and filling up of the pits caused during the laying of underground telegraph infrastructure and taking fiber to home may be repaired by the concerned local body/ appropriate authority and the entire expenses, for restoration of damaged road portion may be charged by the local body from the licensee. Charges for such expenses shall be fixed by state government from time to time, on the basis of applicable schedule of rates for works for similar nature. The guidelines issued by the PWD shall be followed for calculating the restoration charges. Such charges (100%) shall be deposited in advance within a period of 30 days from the grant of permission and prior to the commencement of work of laying the underground telegraph infrastructure. It is the endeavour of State government to rationalize rates in consultation with TSPs/IPs:

Provided that no other charges, (except above mentioned restoration charges and relevant administrative charges prescribed) shall be levied on the licensee.

(iv) Laying OFC through micro trenching method shall be allowed during monsoons, provided that the applicant takes all security measures and makes arrangements for immediate restoration of the damage caused.

(v) Only pits of approximate size not more than 1.2 meter in width and depth not less than 1.5 meter or as per the requirement at site shall be excavated in the roads where optical fiber cables are to be laid, at the distance of not less than 100 meter at a time. The pits shall be refilled only with granular material and shall be compacted as per the specifications. The pits/trenches shall be reinstated within 48 hours, after the work at that location is over, failing which, penalty as applicable shall be levied besides the cancellation of permission etc. For digging of ULBs road/ land the licensees should take proper covering of the area alongside the walkways so that there is no inconvenience to the general public.

(vi) Number of ducts under the roads for which permission will be granted shall be as per requirement of the licensee.

(vii) The licensee shall ensure provision of positional intelligence, through appropriate technology, of all underground telegraph infrastructure to enable the appropriate authority to obtain real time information on its location.

(viii) The licensee will carry out ground penetrating radar (GPR) survey wherever necessary along the route where the ducts will be laid for detection of existing utilities. The data of utilities collected by the licensee through GPR survey should be unconditionally shared with the local body or appropriate authority, free of cost.

(ix) No damage shall be caused to any underground utilities while laying the ducts using Horizontal Directional Drilling (HDD) methodology. In case any utility is damaged, the damage so caused to the utilities, shall be rectified by the licensee at his own cost.

(x) Ducts shall be laid approximately 1.65 meters below the road crust.

(xi) The cost of shifting conduits/OFC, wherever required, shall be borne by the licensee and instruction of appropriate authority in this respect shall be complied within the time frame fixed by the concerned appropriate authority.

(xii) Local body shall not be responsible for any damage to OFC and resultant losses, if any, due to any act of employee of Govt. or appropriate authority, while performing official duties. However, prior written information will be given by the appropriate authority to the licensee.

(xiii) The licensee shall make proper arrangement for access control of the chambers to avoid misuse/illegal use of ducts and the chambers.

*Note.—(i)* The Licensee shall not have to pay any fees or rent towards the manhole installed by them while laying the OFC. Licensee would not require a fresh permission for supervision of further work done by them through these manholes and they may carry out the further work by giving a 10 days prior Notice to the concerned authority in writing.

#### (ii) STRUCTURED AERIAL-

In difficult terrain or rocky and hilly areas where underground laying of OFC is not possible, the Licensee shall be granted permission for Structured Aerial Cabling in such areas by installing poles within an area of 1 meter X 1 meter upon an application submitted by them in this regard to appropriate authority for use of existing poles or installation of new Poles by Licensee. The maximum height of these poles will not be greater than 8 meters and the inter distance from one pole to another must not be less than 30 meters (or as per situation). Licensee shall either use the existing Poles of appropriate authority by moving application or may also apply for installation of new poles. For use of existing pole structures of the HPSEBL/Appropriate Authority, wherever feasible for laying overhead OFC in some locations, the rates will be notified by the HPSEBL/ Appropriate Authority for hiring of LT Poles for laying OFC/small cells.

The rates may be revised by HPSEBL or Appropriate Authority from time to time. The Applicant/Licensee will also have the option of depositing the lease charges for these Poles collectively for a period of five years and in such case the Licensee shall be exempted from paying any rental thereafter. These Lease Charges shall be payable on Poles owned by Appropriate Authority and also if the Licensee moves an application to install new poles.

(iii) Regarding laying of Optical Fiber Cable in Non Protected Forest Areas, the Licensee shall file application for consolidated area (which may be more than one hectare) through HDD/Open Trenching or Micro Trenching methodology on basis of submission of bank guarantee, further the permission shall be granted in view of the guidelines already established for Non Protected Forest Areas and the permission shall be granted by concerned District Forest Officer.

**6. Terms and Conditions for granting permission to establish overground telegraph infrastructure (Mobile Towers etc.).—(i)** The radiation norms fixed by the DoT have to be strictly followed by the licensee. Any citizen can submit/raise an online complaint with regard to any grievance relating to Mobile Towers at <https://tarangsanchar.gov.in> and approach TERM cell with regard to grievance.

(ii) Sign boards and Warning Signs ("Danger", "Warning", "Caution", etc.) as per guidelines of DoT shall be provided at towers and antenna sites which are clearly visible and identifiable.

(iii) The applicant shall be permitted to erect/install telegraph infrastructure on open land including private lands and buildings of Government or Government owned/controlled Statutory or Non-Statutory institutions/ bodies or at other public/private locations including roads, parks, playground, hospital, schools, land earmarked for public utilities.

(iv) In the Walled City area or in the area of Heritage importance the pole/mast shall be designed keeping in view the Heritage character of the area.

(v) The licensee shall be granted permission to install micro cells/Wi-Fi access points and other required services on street light poles/bus shelters/ government buildings.

(vi) The licensee shall fix the equipment which cause minimum noise and environmental pollution.

(vii) The permission shall not be granted unless outstanding urban development tax or any other dues payable upon the land and building applied for installation of telegraph infrastructure are cleared. However, the nodal officer shall communicate such tax or dues to the licensee and the Owner of the land or building and if an undertaking is submitted by the Owner for depositing the outstanding urban development tax or any other dues, as the case may be, within 3 months, the nodal officer shall grant the required permission.

(viii) Mobile Towers/posts being a temporary structure and essential service in nature can be installed on any type of land/building regardless of its specified land use and will not require change of land use under any law/act and provisions of section 118 under the HP Tenancy and Land Reforms Act, 1972. However, the erection of a Tower/ Telecom Infrastructure is not to be construed as a transfer of Land in favour of Telecommunication Companies.

(ix) Mobile Communication Towers/ mast/ poles being a critical infrastructure, Power & Electricity department will accord priority in providing electrical power connection to Mobile Towers and Telecom Equipment. The electricity connection to Mobile towers and telecom equipments will be released as per “Duty of Licensee to Supply Electricity” defined in HPERC Supply Code.

(x) CELL ON WHEELS—“Cell on Wheels Mobile Towers, usually referred to as COW, is a mobile cell site that consists of a cellular antenna tower and electronic radio transceiver equipment on a vehicle or trailer, designed to be part of a cellular network. COWs are used to provide expanded cellular network coverage and/ or capacity at special events such as major events, major conventions, or in disaster areas where cellular coverage either was never present or was compromised by the disaster. Formal clearance or permit will not be required for installation of COW for such specific temporary needs subject to prior formal intimation to the Deputy Commissioner, Superintendent of Police of the concerned district and the concerned Officer-in-Charge of the Police Station. Maximum duration for COW would be 90 days which may be further extended after taking prior approval from concerned Deputy Commissioner”.

(xi) Temporary Overground Telegraph Infrastructure: In case of damage of any existing underground telegraph infrastructure for any reason, the licensee, whose existing underground telegraph infrastructure is damaged, may temporarily establish the overground telegraph infrastructure, in lieu of the damaged underground telegraph infrastructure, to restore the telegraph service for the period of sixty days from the date of reporting of damage of the infrastructure to the DNO/ appropriate authority. No fee or compensation shall be charged by the DNO/ appropriate authority for the establishment of temporary overground telegraph infrastructure under this rule.

## CHAPTER-3

**APPLICATION FOR GRANT OF PERMISSION FOR ESTABLISHMENT AND MAINTENANCE OF TELEGRAPH INFRASTRUCTURE**

**7. Application by a licensee.**—(i) A licensee shall, for the purposes of establishment of telegraph infrastructure under any immovable property vested in or under the control or management of any appropriate authority, make an application, supported by such documents as specified by State/Central Government from time to time, to concerned District Nodal Officer (DNO) through online portal in such form and manner as may be specified by each appropriate authority. The application will be forwarded by DNO to the concerned nodal officer(s) of the concerned appropriate authority(s) through the online portal within 5 (Five) days from the date of receiving of such application.

**Underground Telecom Infrastructure:**

- (ii) The information alongwith supporting documents to be provided by the Licensee for underground telecom infrastructure in the application made under sub-clause (A) shall include-
- (a) A copy of License/ registration certificate granted by the Central Government;
  - (b) The location map showing the proposed underground telegraph infrastructure including route planned, exact latitude and longitude, nature of land;
  - (c) The details of underground telegraph Infrastructure proposed to be laid alongwith proper Diagram;
  - (d) The mode and time duration for, execution of the work;
  - (e) The time of the day when the work is expected to be done in case the Licensee expects the work to be done during specific time of the day;
  - (f) The details of expenses that such Appropriate Authority will necessarily be put in consequence of the work proposed to be undertaken by the Licensee;
  - (g) The inconvenience that is likely to be caused to the public and the specific measures proposed to be taken to mitigate such inconvenience;
  - (h) The specific measures proposed to be taken to ensure public safety during the execution of the work;
  - (i) Any other matter relevant, in the opinion of the licensee, connected with or relative to the work proposed to be undertaken; and
  - (j) Any other matter connected with or related to the work as may be specified, through a general or special order, by the Central Government or State Government or appropriate local authority

Provided that the licensee shall, while making the application, give a specific commitment on whether he undertakes to discharge the responsibility for restoration, to the extent reasonable and prudent, of the damage that the appropriate authority shall necessarily be put in consequence of the work proposed to be undertaken.

(iii) Every application under sub-clause (A) for establishment of underground telegraph infrastructure shall be accompanied with a non-refundable fee of INR 1000/kilometer to meet administrative expenses for evaluation of the application and the proposed work.

### **Overground Telecom Infrastructure:**

(iv) The information alongwith supporting documents to be provided by the Licensee in the application for the purposes of establishment of overground telegraph infrastructure made under sub-clause (A) shall include—

- (a) A copy of License granted by the Central Government;
- (b) The nature and location, including exact latitude and longitude, of post or other above ground contrivances proposed to be established;
- (c) The extent of land required for establishment of the overground telegraph infrastructure;
- (d) The details of the building or structure, where the establishment of the overground telegraph infrastructure, is proposed;
- (e) Copy of sanctioned roof plan, only in case of Urban areas falling under Urban Local Bodies/ Town and Country Planning Department/ Special Area Development Authority, if the tower is to be erected on an existing building.”
- (f) Copy of the approved completion plan clearly depicting that the completion of top floor along with roof of the building has been approved by the Competent Authority, only in case of Urban areas falling under Urban Local Bodies/ Town and Country Planning Department/ Special Area Development Authority. In case of some buildings completed before a cut-off date, there is no need of building completion plan. In such cases structural safety certificate will suffice.
- (g) Acknowledgement receipt issued by TERM Cell of the self-certificate submitted by the Licensee in respect of mobile tower/Base Transceiver Station (BTS) (BTS - ground based/ roof top/ Pole/ wall mounted) in the format as prescribed by Telecommunication Engineering Centre (TEC), DoT, establishing/ certifying that all general public areas around the tower will be within safe Electro Magnetic Radiation (EMR) exposure limit as per peak traffic measurement after the antennas starts radiating.

(Note:—It can be submitted within 90 days after the tower starts radiating

Clarification:- A general undertaking assuring compliance with the above condition can be accepted by the DNOs as the TERM Cell duly carries out checks to ensure that in no case the prescribed limits of EMF are violated)

- (h) Copy of the type test certificate issued by automotive Research Association of India (ARAI) to the manufacturers of the Diesel Generator (DG) Sets. [In case the capacity of the DG is above 1 MVA applicant shall put up a canopy on its DG Set, provide a stack of adequate height as per norms prescribed by the Board and ensure that ambient noise levels comply with the Noise Pollution (Regulation and Control) Rules, 2000]

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- (i) Copy of Standing Advisory Committee on Radio Frequency Allocation (SACFA) clearance / copy of Standing Advisory Committee on Radio Frequency Allocation (SACFA) application for the said location submitted to Wireless Planning Coordination (WPC) wing of DoT with registration number as Wireless Planning Coordination (WPC) acknowledgement along with undertaking that in case of any objection/ rejection, Telecom Service Providers (TSPs)/ Infrastructure Providers (IPs) will take corrective actions / remove the tower.
  - (j) The Nodal Officer/Local Body may also seek the copy of No Objection Certificate (NOC) from building owners/entities having roof top rights in case of roof based tower or from land owner in case of ground based tower, including proof of ownership.
  - (k) Copy of Clearance from Fire Safety Department only in case for high rise building where fire Clearance is mandatory as per the National Building Code of India.
  - (l) For forest, protected area, the copy of clearances from State Forest Department.
  - (m) For the installation of mobile towers on notified heritage buildings the specific clearance from the concerned authority.
  - (n) The mode and time duration for, execution of the work.
  - (o) The inconvenience that is likely to be caused to the public and the specific measures proposed to be taken to mitigate such inconvenience.
  - (p) The specific measures proposed to be taken to ensure public safety during the execution of the work.
  - (q) The detailed technical design and drawings of the post or other above ground contrivances;
  - (r) Certification of Structural safety from a graduate structural engineer as per Section 243 of the Himachal Pradesh Municipal Corporation Act, 1994 or Graduate Structural Engineer who is a member of the Institution of Engineers ([www.ieindia.org](http://www.ieindia.org)) or Authorised Chartered Structural Engineer of the State/ Local Bodies or from any Indian Institute of Technologies (IITs) or Any National Institute of Technologies (NITs) or Central Building Research Institute (CBRI), Roorkee or Rail India Technical and Economic Service (RITES), Gurgaon or Structural Engineering Research Centre (SERC), Chennai or other agency authorized from time to time by the State Government;
  - (s) Route plan for establishment of overground telegraph line shall be required to be provided by the licensee with the application made for establishment of overground telegraph line;
  - (t) The names and contact details of the employees of the licensee for the purposes of communication in regard to the application made;
  - (u) Any other matter relevant, in the opinion of the licensee, connected with or relative to the work proposed to be undertaken; and

- (v) Any other matter connected with or related to the work as may be specified, through a general or special order, by the Central Government or State Government or appropriate local authority;
- (w) For small cells and accompanying telegraph lines using street furniture:—
- The licensee shall have the option of submitting single application for use/installation of multiple street furniture and appropriate authority shall make due provisions for accepting such applications and issuing single permission for multiple street furniture accordingly for establishment of small cells.
  - The details of the street furniture proposed to be used/installed shall be provided alongwith the application.
  - The application shall be accompanied by a copy of certification by a Structural Safety Engineer attesting to the structural safety of the street furniture where installation of small cells and telegraph line is proposed.
- (v) Every application for the establishment of overground telegraph infrastructure under sub-clause (A) shall be accompanied with a non-refundable fee, as applicable, to meet administrative expenses for evaluation of the application and the proposed work given as follows:—
- (a) One thousand rupees for establishment of mobile towers
  - (b) One thousand rupees per kilometre for establishment of overground telegraph line.
  - (c) One thousand rupees per pole for establishment of poles, for installation of small cells and telegraph line for 5G rollout.
  - (d) For installation of small cells and telegraph line using the existing street furniture for 5G rollout – Nil.
- (vi) In Case of Government Land, Annual Rent for the space allocated for installation of Mobile tower shall be 10% of the market value of the land on 'per square meter basis'. Market value of the land will be the Circle Rate as notified by the District Collector. Provided, that the rental per month for Mobile Tower shall not exceed INR 10,000 per month. The Applicant will also have the option of depositing the rental charges upfront on lump-sum basis collectively for a period of five years calculated at the rates determined initially without any escalation.
- (vii) In Case of Government street furniture, for installation of small cells/optical fibre compensation/rent for 5G rollout will be as follows:
- (a) For Small Cells—Rental shall be Rs. 600 per annum for urban area and Rs. 300 per annum for rural areas per street furniture.
  - (b) For Optical Fibre for Small Cells—Rental shall be Rs. 200 per annum for urban area and Rs 200 per annum for rural areas per street furniture.

(viii) The Mobile Communication Infrastructure created by the TSP/ IP may be let out with prior intimation to the appropriate authority, which has granted the original permission.

(ix) Where the establishment of the overground telegraph infrastructure renders the immoveable property, vested in the control or management of any appropriate authority over which such overground telegraph infrastructure is established, unlikely to be used for any other purpose, the appropriate authority shall be entitled to compensation for the value of the immoveable property, either once or annually, assessed on such rates as provided above.

**8. Grant of permission.**—(i) The Nodal Officer(s) of the concerned Appropriate Authority(ies) shall examine the application with respect to the following parameters but not limited to them:

**(a) For Underground Telegraph Infrastructure:**

- (i) The Route planned for the proposed underground telegraph infrastructure and the possible interference either in the establishment or maintenance of such telegraph infrastructure, with any other public infrastructure that may have been laid along the proposed route alongwith revenue papers of the land;
- (ii) The mode of execution;
- (iii) The time duration for execution of the work and the time of the day that the work is proposed to be executed;
- (iv) The estimation of expenses that the Appropriate Authority shall necessarily be put in consequence of the work proposed to be undertaken;
- (v) The responsibility of restoration of any damage and payment of restoration charge in consequence of the work proposed to be undertaken;
- (vi) Assessment of measures to ensure public safety and inconvenience that the public is likely to be put to in consequence of the work proposed and the measures to mitigate such inconvenience indicated by the licensee;
- (vii) Any other matter, consistent with the Act and this Policy, connected with or relative to the establishment or maintenance of underground telegraph infrastructure, through a general or specific order, by the central Government, State Government or the appropriate local authority.

**(b) For Overground Telegraph Infrastructure:**

- (i) The extent of land required alongwith revenue papers for the overground telegraph infrastructure;
- (ii) The location proposed;
- (iii) The approval issued by the duly authorised officer of the Central Government for location of the above ground contrivances proposed to be used for transmission of Radio waves or Hertzian waves;

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- (iv) The mode of and time duration for execution of the work;
  - (v) The estimation of expenses that the Appropriate Authority shall necessarily be put in consequence of the work proposed to be undertaken;
  - (vi) Assessment of the inconvenience that the public is likely to be put to in consequence of the establishment or maintenance of the overground telegraph infrastructure, and the measures to mitigate such inconvenience indicated by the licensee;
  - (vii) Certification of the technical design by a structural engineer attesting to the structural safety of the overground telegraph infrastructure;
  - (viii) Certification by a structural engineer of the structural safety of the building on which the post or other above ground contrivances is proposed to be established;
  - (ix) Any other matter, consistent with the Act and this Policy, connected with or relative to the establishment or maintenance of overground telegraph infrastructure, through a general or specific order, by the central Government, State Government or the appropriate local authority.
- (ii) Each application shall be duly scrutinized by the concerned designated nodal officer(s) of the concerned Appropriate Authority(s) concurrently and not sequentially who may seek such additional information from the “applicant” as may be considered necessary for scrutiny of the application. The concerned nodal officer(s) shall submit his remarks (approval or rejection with reasons) to the concerned District Nodal Officer within a period not exceeding forty five (45) days from the date of receipt of application. If the concerned designated nodal officer(s) of the concerned Appropriate Authority(s) fails to submit his remarks (approval or rejection with reasons) within 45 days from the date of receiving of such application the application shall get automatically assigned to the DNO through the online portal with a remark that no comment has been offered within the stipulated time. Once the concerned nodal officer(s) conveys approval/rejection, or no comments offered, the District Nodal Officer shall—
- (a) Grant permission on the portal on such conditions including but not limited to the time, mode of execution measures to mitigate public inconvenience or enhance public safety and payment of restoration charge in form of Bank Guarantee, as may be specified, subject to the provisions of this Policy or Reject the application on the portal for reasons to be recorded in writing. Provided that no application shall be rejected unless the applicant Licensee has been given an opportunity of being heard on the reasons for such rejection:
- Provided further that the concerned District Nodal Officer shall communicate acceptance or rejection of the application to the applicant within 10 days of receiving of report from the concerned Nodal Officer(s):
- Provided further that the permission shall be deemed to have been granted if the DNO fails to either grant permission or reject the application under (a) and communicate the decision to the applicant within 60 days from the date of receiving of such application.
- (b) In case an application is returned to the applicant by the DNO to provide missing/additional documentation or information or clarification, the application

shall be processed afresh and the timeline for granting the permission shall be reset to day one and the DNO shall Grant or reject the application within 60 days from the submission of missing/additional documentation or information or clarification by the applicant. The permission shall be deemed to have been granted if the DNO fails to either grant permission or reject the application and communicate the decision to the applicant within 60 days from the date of receiving of such missing/additional documentation or information or clarification:

Provided that in case the applicant fails to resubmit the application with the required documents within a period of 30 days, the application shall be automatically rejected and closed:

Provided further that the RoW portal shall provide the option to applicants for withdrawal of applications, the applicant shall provide the reason for withdrawal while withdrawing their application on the portal.

**NOTE.**—Similar process, as outlined above for new applications for establishment of telegraph infrastructure shall also apply to an application for the regularization of existing telegraph Infrastructure wherein formal permission has not been obtained by the licensee from the concerned Nodal Officers of Appropriate Authorities.

- (c) Any applicant aggrieved by an order passed on their application or if the timelines described above are not met, may within 15 days of the communication of the order to him or expiry of timeline, prefer an appeal under dispute resolution as mentioned in Chapter-6 of this policy.
- (iii) Where the appropriate authority accepts the undertaking by the licensee to discharge the responsibility to restore the damage that such appropriate authority shall necessarily be put in consequence of the work, the appropriate authority, while granting permission, may seek a bank guarantee for an amount in lieu of expenses for restoration of such damage, as security for performance in the discharge of the responsibility.
- (iv) The appropriate authority shall not charge any fee other than those prescribed under relevant sub-clauses of clause 7 and the charges for structured aerial as defined in this policy from the licensee for establishing telegraph infrastructure.

## **9. Obligations of licensee in undertaking work.—(i) For underground telegraph infrastructure:—**

- (a) The licensee shall make the payment of expenses or submit the bank guarantee as determined by the appropriate authority within a period of thirty days from the date of grant of permission and prior to the commencement of work of laying the underground telegraph infrastructure:

Provided that the appropriate authority may, at its discretion, extend the said period for payment of expenses or submission of bank guarantee on an application made by the licensee seeking such extension.

- (b) The licensee shall ensure that –

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- (i) prior to the commencement of work of laying the underground telegraph infrastructure and at all times during the execution of work, the measures to mitigate public inconvenience and provide for public safety are implemented; and
  - (ii) the work of laying underground telegraph infrastructure is carried out in accordance with the conditions specified in the grant of permission by the appropriate authority.
  - (c) If any damage is caused to any person or property because of the work undertaken by the operator or any of the operators' equipment/staff, the operator shall be solely responsible for paying all kinds of compensations and damages to the concerned and will be liable to face any civil or criminal proceedings unless waived or reasonably justified or beyond the reasonable control of the Applicant.
  - (d) The licensee shall ensure provision of positional intelligence, through appropriate technology of all underground telegraph infrastructures to enable the appropriate authority to obtain real time information on its location.
- (ii) For overground telegraph infrastructure:**
- (a) The licensee shall ensure that –Prior to the commencement of establishment and maintenance of overground telegraph infrastructure and at all times, the measures to mitigate public inconvenience and ensure public safety, including structural safety of such overground telegraph infrastructure are implemented;
  - (b) The work of establishment and maintenance of overground telegraph infrastructure is carried out in accordance with the conditions specified in the grant of permission by the appropriate authority.
  - (c) If any damage is caused to any person or property because of the tower, machine room, battery equipment etc., erected by the operator, the operator shall be solely responsible for paying all kinds of compensations and damages to the concerned and will be liable to face any civil or criminal proceedings unless waived or reasonably justified or beyond the reasonable control of the Applicant.
  - (d) In case of violation of any statutory requirement, a show cause notice of 30 days will be issued to the Licensee on which Licensee has to revert with the clarification. In case the clarification is not satisfactory the tower shall be removed/sealed forthwith besides imposing of penalty.

**10. Powers of appropriate authority to supervise the work.—**(i) The appropriate authority may supervise the execution of work to ascertain if the conditions imposed in the grant of permission are observed by the licensee.

(ii) The appropriate authority may, on the basis of such supervision, impose such other reasonable conditions as it may think fit.

(iii) If the appropriate authority comes to the conclusion that the licensee has violated any of the conditions for grant of permission, it may, through District Nodal Officer, (i) forfeit, in full or in part, the bank guarantee submitted by the licensee and withdraw the permission granted to the licensee, for reasons to be recorded in writing, or (ii) withdraw, for reasons to be recorded in writing, the permission granted to the licensee:

Provided that no action shall be taken under this sub-clause unless the licensee has been given an opportunity of being heard.

(iv) District Administration, Officials of the State Government shall have the right to inspect the site at all times without any prior notice.

#### CHAPTER – 4

### **RIGHT OF APPROPRIATE AUTHORITY TO SEEK REMOVAL OF TELEGRAPH INFRASTRUCTURE**

**11. Right of appropriate authority to seek removal, etc.**—(i) Where the appropriate authority, having regard to circumstances which have arisen since the establishment of any telegraph infrastructure under, over, along, across, in or upon, any immovable property vested in or under the control or management of that appropriate authority, considers that it is necessary and expedient to remove or alter such telegraph infrastructure, it shall issue a notice to the licensee, being the owner of such telegraph infrastructure, to remove or alter its location providing the detailed reasons, for such removal or shifting, in writing.

(ii) On receipt of the notice under sub-clause (A), the licensee shall, forthwith and within a period of thirty days, proceed to submit, to the appropriate authority, a detailed plan for removal or alteration of such telegraph infrastructure.

(iii) The appropriate authority shall, after examination of the detailed plan submitted by the licensee under sub-clause (B), pass such orders as it deems fit:

Provided that the appropriate authority shall, having regard to emergent and expedient circumstances requiring the removal or alteration of such telegraph infrastructure, give a reasonable time of not less than ninety days to the licensee for removal or alteration of such telegraph infrastructure:

Provided further that the responsibility and liability, including the cost thereof, for removal or alteration of such telegraph infrastructure shall be borne by the licensee.

#### CHAPTER – 5

### **REGULARIZATION OF EXISTING TELEGRAPH INFRASTRUCTURE**

**12. Procedure for regularization of existing telegraph infrastructure.**—(i) Wherever permission has already been granted under erstwhile policy/ orders, the same shall hold good and no fresh permission will be required under this Policy.

(ii) However, all the existing telegraph infrastructure wherein formal permission has not been issued by the concerned Nodal Officers of Appropriate Authorities, may be regularized upon the submission of application alongwith information and documents as specified in this Policy and after the payment of prescribed fee/charges under this Policy subject to it being in conformity of prevailing regulations of the Acts/Rules/Policies of the Central Government or State Government. Such application shall be submitted within six months of issue of this Policy, after which the said mobile towers etc. shall be deemed as unauthorized. Earlier fees paid if any, by the licensee shall be

adjusted. Once the application is submitted within due time, the operation of the Mobile Tower shall not be discontinued till disposal of the application by the Nodal Officer.

(iii) In cases where applications for permission have been submitted under erstwhile policy(ies) but no fee has been paid or documents as per erstwhile policy(ies) were not submitted and/or permission(s) have not been issued, then in such cases, documents as per this Policy and/or fees to meet administrative expenses (if not paid earlier) may be submitted & permission shall be issued in accordance with this Policy.

**13. Safety and Security of Telecom Infrastructure.**—Telecom Installations are a critical infrastructure in mobile communication. In order to avoid disruption in mobile communication, an essential service:—

- (i) Sealing or disconnection of electricity of existing and operational Base Transceiver Station Towers may not be resorted to without the consent of the respective TERM Cell in respect of the EMF radiation related issues.
- (ii) Strict legal action under relevant sections of the Act and Indian Penal Code by the law enforcement authorities to be initiated against any willful or negligent damage to the telecom infrastructure facility and causing interruption to the network connectivity.

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## CHAPTER – 6

### DISPUTE RESOLUTION

**14. Disputes between licensee and appropriate authority.**—(i) Any dispute arising between a licensee and the appropriate authority in consequence of this Policy, shall be referred to the Mechanism of Dispute Resolution set up by the State Government.

(ii) The officers designated by the State Government shall determine the disputes referred to in sub-clause (A) within a period not exceeding sixty days in such manner as may be specified by the State/Central Government from time to time.

**15. Public Grievance Redressal and Coordination Mechanism.**—(i) State Government Assistance

(a) A Joint Coordination Committee having following members will be constituted at the District level for review of all Telecommunication Infrastructure related matters, like adherence to the timelines for granting approval, issues pertaining to appropriate authority (Local Bodies/ Town and country Planning Department/Rural Development/ SADA etc.) or TSP/ IP:—

- (i) Deputy Commissioner (as Chairperson),
- (ii) Representatives of Telecom Service Providers/ Infrastructure Provider,
- (iii) Representatives from rural wing TERM Cell HP LSA,
- (iv) Representatives of Concerned Departments, and

- (v) Representatives of appropriate authority (Local Bodies/ Town and country Planning Department/ Rural Development/ SADA etc.).
- (b) Similarly, a State level Coordination Committee headed by the Director (IT) shall be constituted to monitor issues pertaining to Telecom Infrastructure (Overground, Underground) in the State. The proposed State level Coordination Committee would consists of officers from TERM Cells, State/District Administration, representatives of Controller of Communication Accounts, representatives of concerned Departments, representatives of concerned Telecom Service Provider(s)/ Infrastructure Provider(s), eminent public persons.
- (ii) Any complaint concerning illegal installation of Mobile Communication Tower on ground or on any building or any query of any nature regarding the installation of Telecommunication Infrastructure shall be addressed to the appropriate authority (Local Bodies/ Town and country Planning Department/Rural Development/SADA etc.) with a copy to the Joint Coordination Committee headed by concerned Deputy Commissioner and Director (IT). The appropriate authority (Local Bodies/Town and country Planning Department/Rural Development/SADA etc.) shall take a final decision in the matter after inquiring into it and direct action considered appropriate to be taken by the concerned Telecom Service Provider within such period as may be prescribed by the appropriate authority (Local Bodies/Town and country Planning Department/Rural Development/ SADA etc.). Any applicant aggrieved by an order passed on their application may, within 15 days of the communication of the order to him, prefer an appeal under dispute resolution as mentioned in Sub-clause (A) above.

## ANNEXURE – A

**Schedule of Application Fee and Compensation\*****One time Application Fee:**

<b>Clause</b>	<b>Item</b>	<b>Application Fee</b>
7(iii)	Application Fee for establishment of underground telegraph infrastructure.	INR 1000/kilometer
7 (v)(a)	Application Fee for establishment of mobile tower	INR 1000 per tower
7 (v)(b)	Application Fee for establishment of Overground telegraph Line.	INR 1000/kilometer
7 (v)(c)	Application Fee for establishment of poles, for installation of small cells and telegraph line for 5G rollout.	INR 1000 per pole
7 (v)(d)	Application Fee for installation of small cells and telegraph line using the street furniture for 5G rollout.	NIL

**Compensation/Rent:**

<b>Clause</b>	<b>Item</b>	<b>Rent</b>
7 (vi)	In Case of Government Land, Annual Rent for the space allocated for installation of Mobile tower.	10% of the market value of the land on 'per square meter basis'. Market value of the land will be the Circle Rate as notified by the District Collector. Provided that the rental per month for Mobile Tower shall not exceed INR 10,000 per month.
7 (vii)	In Case of Government Land for installation of Small Cells on street furniture for 5G rollout	INR 600 per annum for urban area and INR 300 per annum for rural areas per street furniture.
7 (viii)	In Case of Government Land for installation of Optical fibre on street furniture for 5G rollout.	INR 200 per annum for urban area and INR 200 per annum for rural areas per street furniture.
5 Note (ii)	For use of existing pole structures of the HPSEBL/Appropriate Authority, wherever feasible for laying overhead OFC.	To be notified by HPSEBL/ Appropriate Authority from time to time.

\*Please see relevant clauses in the policy for further details.

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**CHANGE OF NAME**

I, Bhawana Devi (26) d/o Sh. Ghanshayam Sharma, r/o Village Dugrain, P.O. Brikhmani, Tehsil Balh, District Mandi (H.P.) declare tha I have changed my Surname from Bhawana Devi to Bhawana Sharma. All concerned please note.

**BHAWANA DEVI**  
*d/o Sh. Ghanshayam Sharma,  
 r/o Village Dugrain, P.O. Brikhmani,  
 Tehsil Balh, District Mandi (H.P.).*

